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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TRUONG, THANHNGA B	

ART UNIT	PAPER NUMBER
2135	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/848,900	PALECEK, LOWELL D.	
	Examiner	Art Unit	
	Thanhnga B. Truong	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the communication filed on May 19, 2004. Claims 1-21 are pending. At this time, claims 1-21 are rejected.

Specification

2. The disclosure is objected to because of the following informalities:

There are missing information in **"Cross Reference to Co-Pending Applications"** section of the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-4, 6-8, 11-13, and 16-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a. *Referring to claim 1:*

(1) Claim 1 recites an apparatus for improving the efficiency of service request/response activity requiring security functions. It does not contain a concrete system and would be considered non-statutory. Furthermore, the Applicant's specification defines, **"the client application creates and initializes a CDACSCommClient application..... The client then calls the Open method, with a simple message that the server can use to route the connection. (In DACS, we have three different server applications that can receive the connection from a single listener application.) The security sublibrary provided by this invention adds the authentication and encryption selections to the initial Open message. For its part, the server application creates a CDACSCommServer object and initializes it with a token that represents a tentatively accepted client connection and its choices for authentication and message protection."** It is clearly that the client application and server application are software programs that are being used as programs, wherein these intangible media such as software or other program incapable of being touched or perceived absent the tangible

medium through which they are conveyed. Thus, claim 1 does not recite any structure, i.e., machine to carry out the functions of all the recited steps. Therefore, claim 1 recites non-statutory subject matter. Claims 2-4 depend on claim 1, therefore they are rejected with the same rationale applied against claim 1 above.

b. *Referring to claims 6, 16:*

(1) This claim consists a method of handling a service request from a client application to a service application to further implement the apparatus of claim 1, thus it is rejected with the same rationale applied against claim 1 above. Claims 7-8 depend on claim 6, claims 17-20 depend on claim 16; therefore, they are rejected with the same rationale applied against claims 6 and 16 respectively above.

c. *Referring to claim 11 and 21:*

(1) These claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above. Claims 12-13 depend on claim 11, therefore they are rejected with the same rationale applied against claim 11 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al (US 6,012,090), and further in view of Orton et al (US 5,379,432).

a. *Referring to claim 1:*

i. Chung teaches an apparatus comprising:

(1) a client application which generates a service request **(column 4, lines 21-25 of Chung);**

(2) a service application responsively coupled to said client application which responds to said service request **(column 4, lines 25-29 of Chung);**

(3) a communication class library which regulates communication between said client application and said service application **(see Figure 1 of Chung);**

(4) a security facility embedded within said communication class library **(column 5, lines 19-27; column 11, lines 22-28 of Chung);** and

(5) wherein said security facility is automatically activated by said service request **(column 11, lines 22-31 of Chung).**

ii. Although Chung teaches an apparatus for improving the efficiency of service request activity requiring security function in which registration applets may be written in the Java language and embedded in the HTML code of corresponding portions, or pages, of the browser program **(column 5, lines 24-26 of Chung)**, Chung is silent on the capability of using a communication class library which regulates communication between said client application and said service application. On the other hand, Orton teaches this limitation in **column 4, lines 16-20 of Orton**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Chung with the teaching of Orton to include computer program logic implementing an object-oriented class library **(column 3, lines 56-58 of Orton).**

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Chung with the teaching of Orton for enabling the application to access in an object-oriented manner services provided by the operating system **(column 3, lines 59-61 of Orton).**

b. *Referring to claim 6:*

i. Chung teaches a method of handling a service request from a client application to a service application comprising:

(1) embedding a security facility within a communication class library **(column 5, lines 19-27; column 11, lines 22-28 of Chung);**

(2) generating a service request within said client application **(column 4, lines 21-25 of Chung);**

(3) transferring said service request from said client application to said service application **(see Figure 1 of Chung);**

(4) receiving said service request by said service application **(see Figure 1 of Chung);**

(5) honoring said service request by said service application **(column 4, lines 25-29 of Chung);** and

(6) automatically implementing security functions from said embedded security facility during said step which honors said service request **(column 5, lines 19-27; column 11, lines 22-28; column 4, lines 25-29 of Chung).**

ii. Although Chung teaches an apparatus for improving the efficiency of service request activity requiring security function in which registration applets may be written in the Java language and embedded in the HTML code of corresponding portions, or pages, of the browser program **(column 5, lines 24-26 of Chung)**, Chung is silent on the capability of using a communication class library. On the other hand, Orton teaches this limitation in **column 4, lines 16-20 of Orton**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Chung with the teaching of Orton to include computer program logic implementing an object-oriented class library **(column 3, lines 56-58 of Orton).**

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Chung with the teaching of Orton for enabling the application to access in an object-oriented manner services provided by the operating system **(column 3, lines 59-61 of Orton).**

c. *Referring to claim 7:*

i. The combination of teaching between Chung and Orton teaches the claimed subject matter. Orton further teaches:

(1) further comprising a context token transferred from said client to said service application identifying required security functions from said embedded security facility **(column 20, lines 24-44 of Orton).**

d. *Referring to claim 8:*

i. The combination of teaching between Chung and Orton teaches the claimed subject matter. Chung further teaches:

(1) wherein said transferring step further comprises transferring said service request to said service application via a publically accessible digital data communication network **(see Figure 1 of Chung)**.

e. *Referring to claim 9:*

i. The combination of teaching between Chung and Orton teaches the claimed subject matter. Chung further teaches:

(1) further comprising a user terminal wherein said client application is located within said user terminal **(see Figure 1 of Chung)**.

f. *Referring to claim 10:*

i. The combination of teaching between Chung and Orton teaches the claimed subject matter. Chung further teaches:

(1) further comprising a data base management system wherein said service application is located within said data base management system **(see Figure 1 of Chung)**.

g. *Referring to claims 11-20:*

i. These claims have limitations that is similar to those of claims 6-10, thus they are rejected with the same rationale applied against claim 12 above.

7. Claims 2-5, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al (US 6,012,090), in view of Orton et al (US 5,379,432), and further in view of Herman et al (US 6,341,353 B1).

a. *Referring to claims 2, 4:*

i. The combination of teaching between Chung and Orton teaches the claimed subject matter. Although they both teach the security services, they are silent on the capability of using encryption/decryption objects in their security services. On the other hand, Herman teaches this limitation in **column 18, lines 45-47 of Herman.**

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the modified-invention of Chung with the teaching of Herman so that data is not visible to any but an authorized user/owner. **(column 18, lines 36-37 of Herman).**

iv. The ordinary skilled person would have been motivated to:

(1) have modified the modified-invention of Chung with the teaching of Herman so that two parties who do not trust each other can each determine that the other entity is who it claims to be. This is accomplished with authenticating protocols that may employ encryption, hashing, digital signatures, etc **(column 18, lines 41-44 of Herman).**

b. *Referring to claim 3:*

i. The combination of teaching between Chung, Orton, and Herman teaches the claimed subject matter. Orton further teaches:

(1) wherein said security facility further comprises security support provider interface **(column 3, lines 50-53 of Orton).**

c. *Referring to claim 5:*

i. The combination of teaching between Chung, Orton, and Herman teaches the claimed subject matter. Herman further teaches:

(1) further comprising a user terminal responsively coupled to a data base management system via a publically accessible digital data communication network and wherein said client application is located within said user terminal and said service application is located within said data base management system **(see Figure 1 of Chung; Figure 1 of Herman).**

d. *Referring to claim 21:*

i. This claim has limitations that is similar to those of claims 1-5, thus it is rejected with the same rationale applied against claims 1-5 above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Thanhnga B. Truong AU2135

TBT

November 2, 2007

THANHNGA TRUONG
PRIMARY EXAMINER